

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN INSURANCE
COMPANY,

Plaintiff,

V.

CAROL THORN, JOLEEN LEEA COLON;
DALE EUGENE KIRKINDOLL; ELIZABETH S.
KIRKINDOLL; THOMAS HOLT KIRKINDOLL;
JAMES W. GRIFFIN; SANDRA L. GRIFFIN;
PATRICK A. BELT; CHRISTOPHER B. BELT;
GENE STEGMAIER; ESTATE OF WILLIAM R
KLAUSS, a deceased minor, LV STABLE
MEMORIAL HOSPITAL; DRPT. LAKE
REHABILITATION CENTER; BUTLER
COUNTY EMERGENCY MEDICAL
SERVICES.

Defendants.

[illegible]

CIVIL ACTION NO: 2:06cv 717-ID

DEFENDANT'S DALE KIRKINDOLL, ELIZABETH KIRKINDOLL AND HOLT KIRKINDOLL'S (HEREINAFTER "KIRKINDOLL'S") REQUESTS FOR ADMISSIONS TO PLAINTIFF PROGRESSIVE INSURANCE COMPANY

COME NOW the above referenced Defendants and moves the Court for summary judgment in their behalf on the following grounds:

1. Admit that since the filing of the instant lawsuit all defendants except the Kirkindoll's have failed or refused to take part in the claims process relative to the accident forming the basis of Progressive's complaint.
2. Admit that Progressive has attempted on multiple occasions to serve all other defendants.

3. Admit that from a factual standpoint Progressive has no evidence to dispute the Kirkindoll's entitlement to all monies interplead.
4. Admit that the Kirkindoll's have answered the complaint, duly made a claim for the benefits and are entitled to the monies paid into Court.

Respectfully submitted,

JACKSON, FOSTER & GRAHAM, LLC
Post Office Box 2225
Mobile, AL 36652
251-433-6699
251-433-6127

BY: /s/ SIDNEY W. JACKSON, III
SIDNEY W. JACKSON, III(JAC024)
MATHEW B. RICHARDSON (RIC050)

CERTIFICATE OF SERVICE

I hereby certify that I have on this day 11th of May, 2007, served a copy of the foregoing pleading with te Clerk of the Court using the CM/CEF system which will send notification of such filing to the following:

R. Larry Bradford, Esq.
BRADFORD & SEARS
2020 Canyon Road
Birmingham, AL 35216

Christopher L. Whittington, Esq.
WHITTINGTON & REYNOLDS
P.O. Box 3035
Baton Rouge, LA 70821-3035

/s/ SIDNEY W. JACKSON, III

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN
INSURANCE COMPANY,

Plaintiff,

v.

CAROL THORN, JOLEEN LEEA COLON;
DALE EUGENE KIRKINDOLL;
ELIZABETH S. KIRKINDOLL; THOMAS
HOLT KIRKINDOLL; JAMES W. GRIFFIN;
SANDRA L. GRIFFIN; PATRICK A. BELT;
CHRISTOPHER B. BELT; GENE STEGMAIER;
ESTATE OF WILLIAM R KLAUSS, a
deceased minor, LV STABLE MEMORIAL
HOSPITAL; DRPT. LAKE REHABILITATION
CENTER; BUTLER COUNTY EMERGENCY
MEDICAL SERVICES.

Defendants.

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CIVIL ACTION NO: 2:06cv

**DEFENDANT'S REQUESTS FOR PRODUCTION TO PLAINTIFF PROGRESSIVE
INSURANCE COMPANY**

1. Please produce any and all documents relating to claims submitted by any of the defendant's including the place the claims were submitted, the date and to whom they were submitted.

2. Produce any and all documents stating the reserves set up for this claim and the persons for whom the reserves were set.

Respectfully submitted,

/s/ SIDNEY W. JACKSON, III
SIDNEY W. JACKSON, III(JAC024)
MATHEW B. RICHARDSON (RIC050)

JACKSON, FOSTER & GRAHAM, LLC'
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Baton Rouge, LA 70821-3035

/s/ SIDNEY W.JACKSON, III

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE AMERICAN)
INSURANCE COMPANY,)

Plaintiff,)

v.)

CAROL THORN; JOLEEN LEEA)

COLON; DALE EUGENE)

KIRKINDOLL; ELIZABETH S.)

KIRKINDOLL; THOMAS HOLT)

KIRKINDOLL; JAMES W. GRIFFIN)

SANDRA L. GRIFFIN; PATRICK A.)

BELT; CHRISTOPHER B. BELT;)

GENE STEGMAIER; ESTATE OF)

WILLIAM R. KLAUSS, a deceased)

minor; ESTATE OF CHERETY THORN)

a deceased minor; LV STABLER)

MEMORIAL HOSPITAL; BRPT LAKE)

REHABILITATION CENTER;)

BUTLER COUNTY EMERGENCY)

MEDICAL SERVICES;)

Defendants.)

CIVIL ACTION 2:06CV717-1D

MOTION TO COMPEL PLAINTIFF PROGRESSIVE INSURANCE COMPANY TO
RESPOND TO DEFENDANT KIRKINDOLL'S DISCOVERY REQUESTS

COMES NOW the Defendants Dale Kirkindoll, Elizabeth Kirkindoll and Holt Kirkindoll (hereinafter "Kirkindolls") and request this Court for an Order directing Plaintiff Progressive to respond to the Kirkindoll's discovery requests. As grounds for said motion, Defendant shows unto the Court as follows:

1. The Kirkindolls filed Requests for Production of Documents and Request for Admissions to Plaintiff Progressive Insurance Company on May 11, 2007. Those discovery requests are attached hereto as Exhibits "A" and "B".

2. To date, Plaintiff Progressive has failed to respond to the above discovery requests, thereby prejudicing the Kirkindolls in their attempt to claim the monies subject to this action.

BASED ON the foregoing, the Kirkindolls respectfully request this Court to enter an

Order directing Plaintiff Progressive to respond immediately to these requests.

Respectfully Submitted,

/S/MATHEW B. RICHARDSON
MATHEW B. RICHARDSON
SIDNEY W. JACKSON, III
Attorneys for Defendants Kirkindolls
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Mobile, Al 36652
251/433-6699

CERTIFICATE OF SERVICE

I hereby certify that I have on this 29th day of August, 2007, served a copy of the foregoing motion on the following via CM/ECF and US Mail:

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